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| Peer Review - Comments | 19+ from one commenter | 1 |
| request independent peer | | 3 |
| review of the health study | | 4 |
| prior to finalization. Comments | | 5 |
| assert that EPA has reneged on | | 6 |
| promise of this and has | | 8 |
| something to hide. Comments | | 8 to 9 |
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| issues identified by the | | 13 |
| commenter support the need | | 15 |
| for independent peer review. | | 33 |
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| Environmental Justice - | 42+ from one commenter | 1 |
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| comply with environmental | | 5 |
| justice commitments. | | 6 |
| Comments assert that health | | 7 |
| study ignores environmental | | 8 |
| justice concerns with regard to | | 8 |
| the study involvement process | | 8 |
| and study design. Commenter | | 8 |
| asserts that risk assessments | | 9 |
| conducted for the study area | | 9 |
| also did not address | | 9 |
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| and that the proposed plan | | 10 |
| and preferred alternative for | | 16 |
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Main/Leading Comment

It has also been made clear that the EPA and MDEQ are reneging on their promise of an independent peer review of the Health Study. The EPA had promised when the health study process got started that the study would be subjected to independent, peer review. In short, why is EPA afraid to have its work subjected to independent peer review?

EPA should keep its promise and fund an independent, blind, and qualified peer review of the health study prior to any findings. Butte was promised an independent peer review of the study. This independent peer review was supposed to be part of the Health Study. EPA originally agreed to an independent peer review during the process of developing and conducting the health study. I asked EPA why. Why does the Montana Office of EPA refuse that same level of independent scrutiny? Such action on EPA's part might lead to conflicting studies with conflicting results leads to citizen confusion. Why won't EPA subject its study to independent peer review? Will the Health Study ever be subjected to an independent peer review as the EPA promised?

Given that EPA no longer wants to have an independent peer review of the Health Study process other than at some time in the future, EPA has, it appears, back-tracked on its promise of an independent peer review of the Health Study.

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Of course, these issues could be answered if EPA adhered to its promise of an independent, peer review of the methodology. The EPA had promised back when the Butte Health Study was first announced and when the process got started that the Health Study would be subjected to independent peer review. Numbers 1-9 above demonstrate the need for an independent peer review of the Health Study.

Since the EPA has "back-tracked" on its promise of an independent peer review of Phase 1 of the Health Study, I thought I would ask EPA why. Yet, the EPA has back-tracked from its promise that the Health Study will undergo an independent peer review by qualified experts. The whole Health Study design and execution should be subject to independent peer review.

One of the most damaging things the Montana EPA Office has done is to back-track on its promise that the peer review process would be conducted.

I ask EPA to live up to its mandate to promote environmental justice in all of its activities.

The whole process of the health study has ignored environmental justice concerns. The EPA has conducted no outreach to the low-income community in Butte. EPA should adhere to its environmental justice mandate and reach out to the low-income community in Butte.

The study ignores environmental justice concerns. How is environmental justice incorporated into the design and execution of the Butte Superfund Health Study? Butte Superfund Health Study Ignores Environmental Justice

Low income citizens have been excluded from meaningful participation in the development, conduct and implementation of the Health Study. No effort is made to assess the health effects of exposure to the toxics of concern in the Priority Soils site— lead, arsenic, and other toxics. It is not sufficient to just recognize that low income citizens in Butte are disparately and unequally affected by toxics exposure. In their attempt to prove Superfund has worked, the Montana Office has ignored environmental justice concerns which should be addressed. The issue is EPA's overall approach to the cleanup on the Butte Hill that has largely ignored environmental justice issues.

Low-income citizens need special consideration as part of the EPA's commitment to environmental justice, which is really the core of the EPA's mission. The Montana Office of EPA dismisses any recent concerns about their failure to actively pursue environmental justice considerations. For purposes of my concern regarding the lack of environmental justice consideration in the development and conduct of the Health Study, I cannot stress enough that I am raising a new issue regarding environmental justice. Just because the EPA found a few years ago that there were environmental justice concerns does not mean that the issue is resolved.

ENVIRONMENTAL JUSTICE QUESTION: HOW DOES EXPOSURE TO THE TOXICS OF CONCERN AFFECT SPECIFICALLY LOW-INCOME CITIZENS? Environmental justice concerns must shape EPA's community involvement activities particularly in Butte. Butte has a high percentage of low-income citizens. Attached is a document detailing my concerns regarding what I see as a failure to address environmental justice concerns in the Health Study. My complaint/concern is that, contrary to the EPA mandate to promote environmental justice in all of its activities, the Montana Office of EPA has failed to include environmental justice considerations in the process of developing the health study. The area of Butte Priority Soils has a disproportionate number of low income citizens....Therefore, the area of Butte environmental justice concerns must be addressed. The EPA has a strong environmental justice mandate to reach out to low income citizens.

The Montana Office of EPA has failed to include environmental justice considerations in the process of developing the health study. I ask that the EPA mandate to include environmental justice considerations in all of its activities be enforced in terms of the Health Study. I ask that the Montana Office of EPA develop a specific community involvement plan regarding Superfund decision-making. I ask that the Montana Office of EPA undergo training in the EPA's environmental justice requirements as the office often fails to do so. The methodology as well as the conduct of developing the Butte Health Study has ignored the environmental justice concerns. Any health study that fails, as this Health Study does, to consider the health effects of lead exposure specifically on low-income citizens is a failure.

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| Precautionary Principle - | 2 from one commenter | 11 |
| | | 16 |
| Action Levels - Comments | 13+ from one commenter | 6 |
| assert that the BPSOU action | | 9 |
| levels are not protective of | | 9 |
| human health, ignore | | 13 |
| environmental justice, and | | 40 to 41 |
| should be updated. | | 41 |
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| Public Involvement - | 8+ from one commenter | 1 |
| Comments assert that the | | 2 |
| health study process has failed | | 4 |
| to include meaningful public | | 8 |
| involvement. | | 25 |
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Not only has the methodology of the study ignored environmental justice issues but no special outreach to low-income citizens. The study needs to be redone to address the issue of environmental justice.

The whole process of the health study has ignored environmental justice concerns. The EPA has conducted no outreach to the community. The health risk assessments for Butte Priority Soils, that area that is the primary focus of the Health Study, were seriously flawed. Environmental justice consideration needs to be given to low-income citizens in evaluating the health risk assessments. The EPA's action levels are not protective enough. For example, in developing the lead action levels which were based on the health risk assessments, the poor, who were impacted the most, were not considered. The Health Risk Assessments actually conducted for the Butte Priority Soils Superfund site violate the EPA mandate to protect public health. The Health Risk Assessments conducted at the Butte Priority Soils Site will lead to a remedy that will not rectify the disparities. Therefore, because of 9 and 10 above, the Proposed Plan and Preferred Remedy for Priority Soils should be declared null and void. Therefore, given that the Proposed Plan and the Preferred Alternative for Butte Priority Soils are Based on and Justified by the Health Risk Assessments, the Outcome of that Process, i.e. the Priority Soils Proposed Plan and Preferred Remedy Violate the EPA Mandate. In fact, the Proposed Plan and Preferred Alternative for Priority Soils would actually Increase the Toxic Burden of Butte's residents. Given that environmental justice concerns must permeate all of EPA's activities and process, this failure to promote and protect environmental justice is a serious violation. This article has much to say of relevance to the issue that Phase 1 of the Health Study fails to consider environmental justice. Although central Butte has a disproportionate number of low income citizens, environmental justice concerns have been ignored. The Health Study needs to be re-worked to solve its methodological problems, to provide for meaningful public involvement. I ask that the Precautionary Principle inform and guide the Butte Health study. This principle is part of both federal as well as state law. How and to what extent has the "precautionary principle," which is part of federal law, been incorporated into the current process? Why has EPA refused to change its action levels on lead to be congruent with the CDC recommendations? Is this a one size fits all approach? Butte needs more protective action levels and EPA needs to remove artificial restrictions on when the RMAP program can be used. EPA still supports action levels for cleanup that are based on old and what the CDC (Centers for Disease Control) consider outdated. In time to make any difference for the citizens of Butte, will the action levels for the toxics of concern on the Butte Hill ever be changed? I realize that there are certain criteria, i.e. action levels, which must be met in order to have a home and yard remediated. The assumption is of course is that after remediation any exposure level by adults and children to the toxics of concern will be reduced. To me the issue is that the toxics of concern are a threat to human health at certain concentration levels and at certain exposure levels. In part, what I am asking is whether or not the action levels are the levels of protection of human health.

Given the current action levels for dusts and soils, if a yard, for example, is below those action levels is the assumption that it is safe. Also, since, for example, acceptable blood lead levels in children are continually becoming less permissive and more restrictive, the blood lead action levels need to be changed to be congruent with the recent CDC recommendations.

If the risk assessments were flawed then the action levels based upon those risk assessments are flawed and, consequently, the cleanup levels are flawed. If the risk assessments were flawed then the action levels based upon those risk assessments are flawed and, consequently, the cleanup levels are flawed. I ask EPA and MDEQ to provide for meaningful public involvement in this process.

Citizens see an agency impervious to public influence. Most recently, this callous disregard for meaningful public involvement was evident. In Butte, the EPA confines its public involvement activities to PR by informing that public about the great job the agency is doing. Low income citizens have been excluded from meaningful participation in the development, conduct and implementation of the health study. In addition to the recommendations of #15, terms such as "meaningful participation," "shaping Superfund decisions," "involvement" are meaningless. It would be beneficial to engage in a community visioning process wherever possible.

The latest Health Study report, the so-called Phase I report, continues to be primarily a propaganda piece with serious methodological flaws. The Health Study needs to be re-worked to solve its methodological problems, to provide for meaningful public involvement.